

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-13198 - APPLICANT: LEO GARCIA - OWNER: TEK TJIA.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Retail Establishment with Accessory Package Liquor use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Handicap accessible spaces must meet all applicable design requirements per the City of Las Vegas standards.
4. A gated and roofed trash enclosure shall be provided on the site in conformance with Title 19 standards.
5. The area designated for the sale of alcoholic beverages shall be limited to 10% of the total floor area of the building.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant is requesting a Special Use Permit for accessory package liquor off-sale within a proposed grocery store at 3700 East Charleston Boulevard.

EXECUTIVE SUMMARY

This request meets all conditions that are automatically applicable based on Title 19. Located within an existing commercial center and surrounded by commercial and tourist commercial development, the proposal is compatible with the surrounding neighborhood. All development standards are either met or are conditioned herein and Staff supports the request.

BACKGROUND INFORMATION

A) Related Actions

06/08/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #21/stf).

B) Pre-Application Meeting

04/05/06 A pre-application meeting with the applicant was held and the following items were discussed:

- Staff requested that the applicant discuss the status of the church located in the shopping center.
- Staff indicated that a parking analysis be included with the application.

C) Neighborhood Meetings

No neighborhood meeting was required with this application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.04

B) Existing Land Use

Subject Property: Commercial Center
North: Multi-Family Residential
South: Single-Family Residential
East: Multi-Family Residential
West: Undeveloped

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: M (Medium Density Residential)
South: Residential (Clark County)
East: GTC (Tourist Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-3 (Medium Density Residential); C-M (Commercial/Industrial)
South: Residential (Clark County)
East: C-1 (Limited Commercial)
West: C-M (Commercial/Industrial); R-2 (Medium-Low Density Residential)

E) General Plan Compliance

The subject property is located in the Southeast Sector of the General Plan. Within that Sector, it has a land use designation of SC (Service Commercial) which is in compliance with the underlying zoning of C-1 (Limited Commercial).

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment	X	
Project of Regional Significance	X	

Development Impact Notification Assessment/Project of Regional Significance

Due to the close proximity of the subject site to an adjacent jurisdiction (Clark County), the applicant was required to submit an Environmental Impact Assessment form. The information contained in this form is detailed below.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

1) Any Special Use Permit within 500’ of an adjacent jurisdiction (Clark County).

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

There were no comments received from applicable departments.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Grocery Store	16,438 SF	1 Space / 250 SF GFA	66			
Furniture Store	7,510 SF	1 Space / 500 SF GFA	16			
General Retail	5,932 SF	1 Space / 250 SF GFA	24			
TOTAL			106 (including handicap accessible)	5	155 (including handicap accessible)	6

The subject site has plenty of parking to accommodate the proposed grocery store with accessory package retail. However, a condition has been added that requires all handicap spaces to be upgraded to meet current standards with a loading/unloading area on each side.

A2) Minimum Distance Separation Requirements

Title 19 requires that retail establishments with accessory package liquor be separated from any church, synagogue, school, child care facility licensed for more than twelve children, or city park by at least 400 feet. The subject proposal does not violate any of these separation requirements.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Gated, Roofed, and Constructed of a similar material to the main structure	No trash enclosure is shown on the site plan.

A site visit indicates that there are two possible locations for a trash enclosure on the site. One is along the eastern edge of vacant retail space and the other is adjacent to the loading space in a recessed area along the eastern property line. A condition of approval has been added that requires a gated and roofed structure to be constructed in conformance with Title 19 standards.

B) General Analysis and Discussion

- **Zoning**

Located in a C-1 (Limited Commercial) zone, the subject proposal meets all applicable zoning requirements.

- **Use**

Currently, there is a church in the existing commercial center. However, per the applicant's lease agreement, the church will vacate the space by the close of escrow. At that time, the grocery store will take over the space, bringing the total square footage to 16,438. Additionally, a condition has been added that will limit the area used for the sale of alcoholic beverages to 10% of the total floor area.

The proposed use is compatible with the surrounding neighborhood.

- Conditions

1. Except as otherwise provided in this Chapter, no retail establishment accessory package liquor off-sale (hereinafter “establishment”) shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.
2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel;
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Paragraph 1.
3. In the case of an establishment property to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property lines of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Paragraph 1 do not apply to:
 - a. An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
 - b. A proposed establishment having more than fifty thousand square feet of retail floor space.
6. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
7. The minimum distance requirements set forth in Paragraph 1, which are otherwise non-waivable under the provisions of this subdivision, may be waived:
 - a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or
 - c. In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or right-of-way with a width of at least one hundred feet.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed use is compatible with the surrounding neighborhood and with future uses as projected by the General Plan. There are no protected uses within the minimum separation distance required by Title 19.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site can easily accommodate the proposed retail use with accessory package liquor.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by Charleston Boulevard (a 100-foot primary arterial). The addition of this use will not negatively affect the ability of Charleston Boulevard to accommodate current and future traffic loads.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this request will not be inconsistent with the objectives of applicable plans and documents.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 432 by City Clerk

APPROVALS 0

PROTESTS 0